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ABSTRACT

Supported employment offers opportunities for severely disabled adults to carry out paid work at regular work sites within their communities and provides a path to normalization. Supported employment differs from traditional programs in that the positions are integrated into the community, skills are taught on the job, and support is need-based and ongoing. Service providers find job openings, identify the skills and abilities needed to do and hold each job, evaluate the skills and support needs of the person to be employed, match the person with a job, do on-the-job training, and provide ongoing evaluation and long-term job support. The three most popular kinds of supported employment positions are work enclaves, individual supported jobs, and mobile crews. This guide answers parents' questions about the kinds of supported employment jobs, who pays for the support services, effects on Supplemental Security Income or Social Security Disability Insurance benefits, and necessary preparation for supported employment. An appendix contains directories of state-supported employment projects, state vocational rehabilitation agencies, and other resources, and outlines federal regulations for supported employment services. (JDD)

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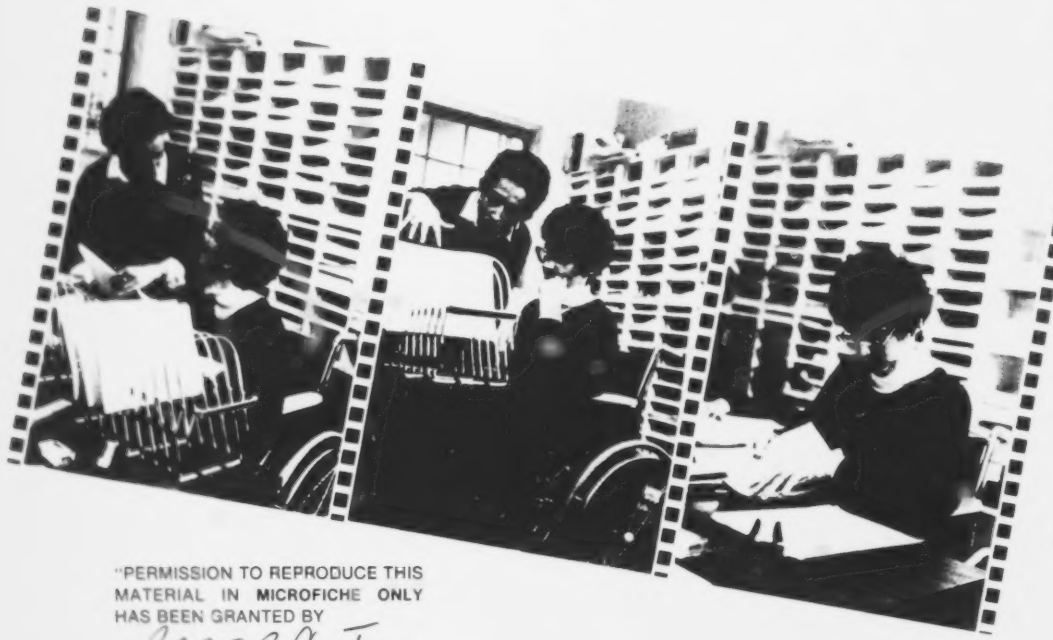

The Story of Supported Employment

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The Story
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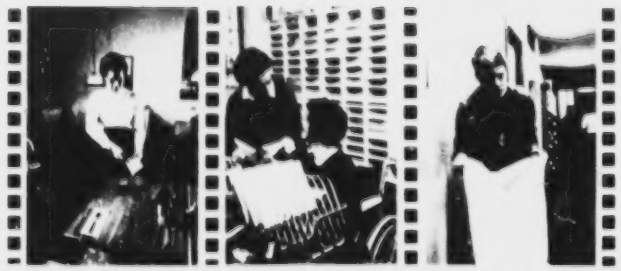

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Supported Employment: A Preface

Mike is 28 years old and has mental retardation. He used to spend his days sorting colored chips and making macaroni necklaces. Other than his family and supervisor, he hardly ever talked with a non-disabled person. Just about all of his living needs were taken care of by his family. He never really had any money of his own.

Today, Mike still has mental retardation, but it's also pay day for him at the large corporation where he works in the duplicating room. His co-workers include both people with and without disabilities. His work has brought him into his community and given him the chance to grow and learn. After work this afternoon, he'll deposit his check at the credit union. He'll keep out some money though since he plans to go shopping for a new shirt to wear at the company picnic next week.

What has made this change possible for Mike is a new and exciting employment option called "supported employment." Mike is an example of the thousands of adults with severe disabilities now working within their communities as a result of supported employment programs.

This booklet has been written as a guide for parents, guardians and family members to familiarize them with this new and exciting employment option.

Supported employment offers new opportunities.

However, like other system improvements during the last two decades, the full potential of supported employment programs will only come about if and when parents and families learn about this option and request that it be made available for their family member.

Supported Employment: An Option for Persons with Severe Disabilities

Supported employment is an exciting program for adults with severe disabilities. It involves:

- paid work at regular work sites
- ongoing support to help persons remain employed

IN THE COMMUNITY

The adults for whom supported employment possibilities are designed are people with severe disabilities who have traditionally been excluded from regular work settings because of:

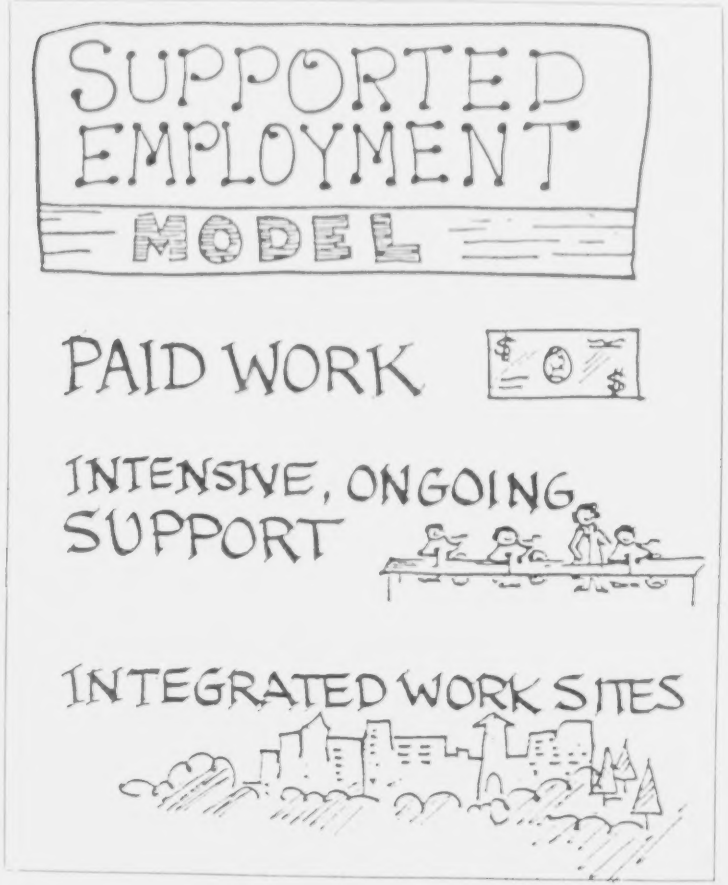
- their inability to perform competitive work and
- their need for life-long support.

Supported employment is meant to increase the community integration, independence, and productivity of persons with disabilities.

Supported employment programs are for persons who need long-term support to hold a job in the community. Programs serve persons with many different kinds of disabilities including:

- multiple handicaps
- severe mental retardation
- autism
- severe physical disabilities
- serious and persistent mental illness
- traumatic brain injury.

People with the disabilities listed above may also have serious behavior problems that would interfere with traditional employment opportunities. However, they can be included in supported employment.



Supported Employment: Making Jobs Possible

WORK WEEK LENGTH	WORK RATE
A person does not have to be able to work 40 hours a week to be in a supported employment position. In supported employment programs that strictly follow federal definitions, however, he or she must be able to work an average of 20 hours a week. Other programs though do not require that persons must be able to work the 20 hour minimum. The key to remember is that supported employees do not have to be able to work full time.	A supported employee also does not have to work as fast as a non-disabled person in order to hold a supported employment position. In some cases, a person working much more slowly than a non-disabled worker doing the same job is paid less than the minimum wage. This is allowed by law only if there are careful and frequent records kept on the work rate of the person with a disability. The person's sub-minimum wage goes up as his/her work rate goes up.

Supported Employment:

Moving into the Community

Supported employment was begun because traditional programs for adults with severe disabilities have usually not offered the opportunity or support needed to live and work in the community.

People with disabilities, their families, and professionals serving them have more and more come to believe that it is the right of everyone to have the opportunity to be part of the general community.

Going to work and being part of a workplace is an important way of being part of the community as a whole. Supported employment programs are designed to provide this work opportunity.

Supported Employment: A Path to Normalization

When part of their communities, people with severe disabilities:

- **use the same services,**
- **take part in the same activities, and**
- **have the same chance to meet people and make friends as people without disabilities do.**

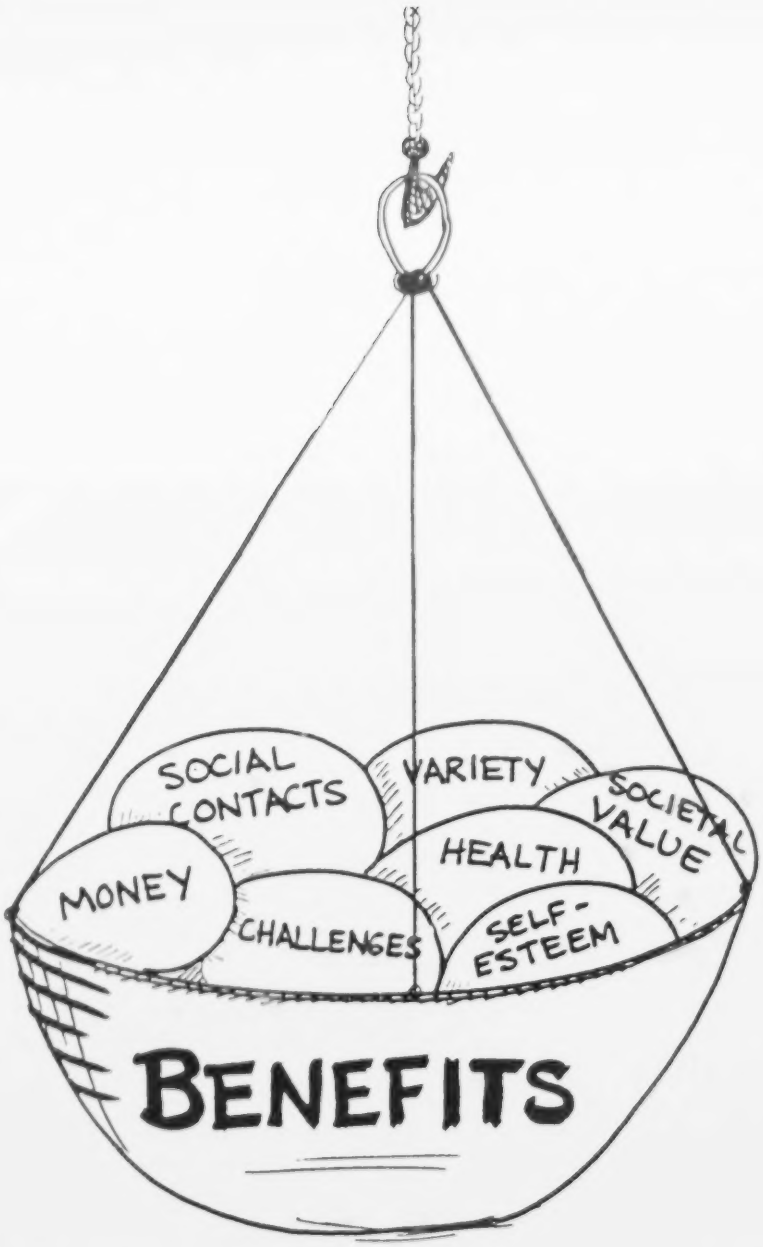
Leading lives like those of people without disabilities is known as normalization, and supported employment is one very important aspect of this process.

Supported employment provides an essential opportunity to lead lives of the same richness of experience and rhythm or pattern as others do.

Everyone needs a variety of experiences to:

- build skills,
- increase independence,
- define likes and dislikes, and
- develop a sense of self.

The personal growth, community involvement, and social opportunities made possible by supported employment give people a chance to do all of the above.



Supported Employment: A Comparison with Traditional Programs

Differences between supported employment and traditional programs for persons with severe disabilities include:

The location of the program

Many traditional programs for persons with severe disabilities are in settings or buildings separate from those used by the general public. These are called segregated programs.

Supported employment positions are at regular workplaces in the community. A person in a supported employment position has the opportunity to interact with non-disabled persons other than paid caregivers.

The skills that are taught

Many traditional programs teach skills it is thought people must know before applying for any job. These are called prevocational skills.

Prevocational skills are often taught only in a certain order so that a person cannot try to learn a particular skill unless she or he has learned the skill before it. To the greatest degree possible, all persons are taught the same skills. Too often, persons with severe handicaps find themselves caught in the "pre" stage and never acquire skills needed for a community job.

In supported employment, skills are taught on the actual job site. The skills taught are the skills needed to do and keep the job. Each person learns only the skills needed for his/her job.

The support available to workers

Traditional programs that put persons on jobs in the community teach them skills needed to do specific job tasks. Support on the job is given only for a fixed and limited length of time. The period of support may be inadequate for people with severe disabilities.

Supported employment teaches skills to do specific job tasks and also teaches job-related skills necessary to keep a job. The length of support is based on a person's needs and is ongoing, not fixed in length. The support is intended to help a person remain in the labor force, not just to hold a particular job.

Supported Employment: Support Available through Service Providers

The services needed for people to be supportively employed are available through agencies and individuals who serve adults with severe disabilities free of charge. In this booklet, these agencies and individuals are called service providers.

Several types of support are available through service providers for people with severe disabilities so they can get and keep jobs. Service providers:

1. find job openings
2. identify the skills and abilities needed to do and hold each job
3. evaluate the skills and support needs of the person to be employed
4. match the person with a job
5. do on-the-job training
6. provide on-going evaluation and long-term job support.

Exactly how and what support is given depends on the particular needs of the individual in the supported employment position.

Services Available through Service Providers

1. Finding a Job Opening

In many traditional programs, the role of the service provider is to teach prevocational skills and/or to provide employment in segregated programs and settings.

In supported employment, the role of the service provider is to find a job opening in the community for a person, regardless of the severity of his or her disability.

Services Available through Service Providers

2. Analyzing Job Requirements

Once a job opening is found, the service provider figures out what skills are needed to do the specific job task. These could be things like:

- **being able to follow directions,**
- **knowing right from left, or**
- **being able to work at a task for several hours.**

The service provider also finds out what job-related activities are needed to keep a job. These could be things like:

- **tolerance for noise,**
- **calmness under pressure, or**
- **good grooming habits.**

3. Developing a Personal Work Profile

ALL the features of a person and his/her living situation that relate to holding a job are to be included in an evaluation.

Supported employment changes the focus of an evaluation from those things a person cannot do to all those things the person can do.

In addition to looking at a person's skills and abilities, an evaluation looks at a person's likes and dislikes about kinds of work and work situations.

A person's living situation is also examined. For example, can the time of the person's evening meal change to allow him or her to work a night job? Do the person's parents feel certain kinds of jobs are unacceptable?

The types of support a person is likely to need in a workplace are also evaluated. Support might include a co-worker who is willing to accept responsibility for assisting a supported employee with a physical disability in case of an emergency. Another type of support might be a training program from the service provider to help a worker learn to express anger in an acceptable way.

4. Matching the Person with a Job

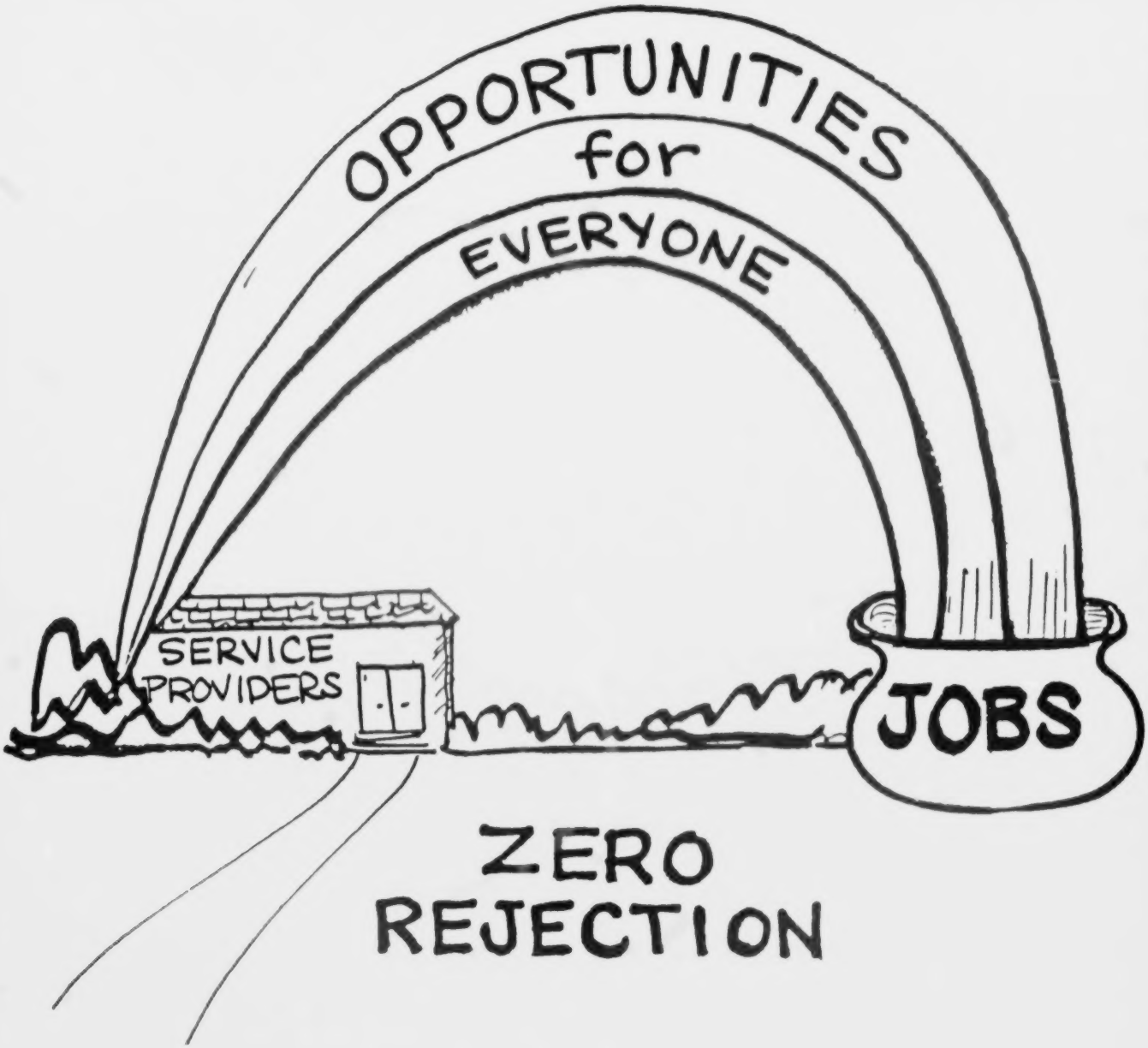
MANY TRADITIONAL PROGRAMS teach people skills to match the needs of some future job.

SUPPORTED EMPLOYMENT PROGRAMS:

- **find jobs that match the person as she or he is now.**

and – in the event that a person isn't able to use public transportation –

- **arrange transportation for the supported employee to and from work.**



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Services Available through Service Providers

5. Doing On-the-Job Training

Many traditional programs teach a person general job skills in segregated sites.

In supported employment, a person is taught
– at the actual work site –
the skills needed to do a specific job.

The person from the agency providing support services
who does the on-the-job training
is usually called a job coach.

The job coach:

- teaches the skills needed to DO specific job tasks. Part of this teaching can include developing job aids to help a person do a task. For example, a peg board can help a person who cannot count keep track, or a glass shield can protect the work area of a person who drools.

- helps the person develop abilities needed to successfully HOLD a particular job. This could include helping a person learn how to behave during a coffee break or how to accept correction.

- works with the employer to develop job accommodations needed by a person because of his or her disability. These might be to divide one job between two persons with disabilities. That way one would be available to do the whole job if the other was in the hospital or temporarily emotionally unable to cope with the job's requirements. Another accommodation could be to agree that performance would be rated on getting a job done and not on always arriving at work on time.

- does things that are needed to help the person be meaningfully included in the day-to-day interactions at the workplace. This can include teaching co-workers basic sign language or doing a group training for employees on general disability issues.

Finally, during the supported employee's intensive initial training period, if the worker is unable to finish the job, the job coach him or herself completes the work.

Services Available through Service Providers

6. Providing Ongoing Evaluation and Long-Term Support

In supported employment, the service provider also makes available the kind of on-going evaluation and long-term support a person needs to STAY employed.

The service provider helps the person in many situations:

- if a person's performance begins to decline on a task she or he already knows,
- if a person needs to learn new tasks on the job,
- if a person needs continuing help in developing needed social skills,
- if a person gets a new manager or co-worker and needs to develop new abilities to get along with him or her.

Other responsibilities of the job coach are:

- monitoring the work rate of a person receiving less than minimum wage to report any increase in work rate that should get a pay increase,
- arranging new transportation if there is a change in transportation that interferes with a person's getting to and from work,
- taking steps to improve the situation if a person isn't being included in day-to-day interactions in the workplace,
- finding the person a new job opportunity if he or she is laid off, is fired, or quits, and
- watching for chances for a person to get a better job.

Supported Employment: Form of Support Differs for Individuals

The six areas of support available through agencies that provide supported employment services are the same regardless of the disability of the person being served.

However, the forms of support in each of the six areas may be different according to a supported employee's disability.

For instance, a worker with mental retardation may need the support of an on-the-spot job coach to learn a skill needed for his or her job. The support needed by an employee with mental illness might be ongoing access to off-site counseling services to help develop ways of dealing with job stresses.

In any case, the purpose of support services is to enable a person to get a job and stay employed. What is important is that the methods of support successfully meet the particular needs of the individual, regardless of his or her disability.

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Supported Employment: Different Kinds of Supported Employment Positions

The three most popular kinds of supported employment positions are:

An enclave is one job coach and up to eight persons with disabilities who work alongside one another and are employed at one company.

An individual supported placement is an individual job in a company for a person with disabilities.

A mobile crew is a crew with one job coach and up to five persons with disabilities that moves from one job site in a community to another as a group. Mobile crews often do maintenance jobs that need to be done out of doors or outside of regular working hours. Because of the kind of work they tend to do, persons in mobile crews often have limited chances to interact with non-disabled persons other than the job coach.

These are not the only kinds of supported employment positions. How a service provider structures a supported employment position depends on the particular needs of the person.

Supported Employment

Questions Often Asked
by Parents, Family Members
and Guardians

Supported Employment:

What kinds of supported employment jobs can be found for people with severe disabilities?

The range of jobs in supported employment is as varied as local business communities. Small family businesses and large corporations provide both white and blue collar positions. Manufacturing and service industries provide entry level and highly skilled jobs.

Frequently, entry level jobs in the service industry make up a large number of supported employment positions. Common jobs are in fast food restaurants, in hotels and motels, in lawn maintenance operations, and in janitorial businesses.

The range of jobs being found for supported employment positions is increasing. There is also a growing awareness that persons starting an entry level job should be given opportunities for advancing in a job or for changing jobs.

Supported Employment:

Supported employment programs sound expensive. Where are support services coming from? Who pays for them?

Supported employment services do cost money, of course, although not to the person receiving them.

But the cost is not new. We as public taxpayers have traditionally paid for employment services and programs for persons with disabilities.

Through supported employment services, however, we have seen persons with severe disabilities become able to earn "real" wages and, in turn, become taxpayers themselves.

Also, with supported employment we are talking about "real" work or productivity, not "make" work. Supported employment programs are designed so that what the employee does on the job is of measurable value to the employer and to the work force as a whole. In the beginning, intensive training phase of supported employment, the job coaches themselves will step in and ensure completion of the job tasks. The wages the employer is paying are for value he or she can count on receiving.

Then, too, there are the ripple effects to supported employees themselves and to society in general when people who would otherwise be in segregated programs and highly dependent upon caregivers become more self sufficient and develop skills in the workplace that help them function more independently in other areas of their lives.

Supported employment first began as pilot models in different areas of the United States several years ago with backing from many states' human service departments and developmental disability councils.

In 1985, the Office of Special Education and Rehabilitative Services within the U.S. Department of Education began an initiative to further this type of employment opportunity. Grants are now in place in 27 states to develop statewide supported employment programs.

The move toward supported employment today has become an endeavor involving state agencies, the corporate community, foundations, universities, people with disabilities and their advocates.

A combination of state, federal and local funds is being used to develop supported employment programs and to ensure that supported employment services are available, through service providers, to the people with severe disabilities who need them to find and maintain employment. Tax incentives may also be available to firms and businesses who participate in supported employment programs.

Supported Employment:

Whom can I contact for information about getting my son or daughter into a supported employment program?

There are many potential sources for information about supported employment. These include:

- your son or daughter's case manager or social worker
- a local vocational rehabilitation counselor
- someone in your state's vocational rehabilitation department
- directors of adult service programs like sheltered workshops, rehabilitation facilities or day activity centers
- organizations for persons with disabilities like the Association for Retarded Citizens, the United Cerebral Palsy Association, the National Alliance for the Mentally Ill, the National Head Injury Foundation, or the National Mental Health Association
- organizations of parents of children and young people with disabilities
- your state's official protection and advocacy agency for persons with disabilities
- your state's Supported Employment Project
- your state's Developmental Disability Council
- someone in your state's department for persons with mental retardation (usually these departments are within a state's human services or welfare department)

The appendix section at the end of this booklet includes resource directories for many of the above categories.

Also, PACER'S SEPT/TA (Supported Employment Parent Training/ Technical Assistance) project can be contacted at 612-827-2966, voice & TDD, for information about supported employment.

Supported Employment:

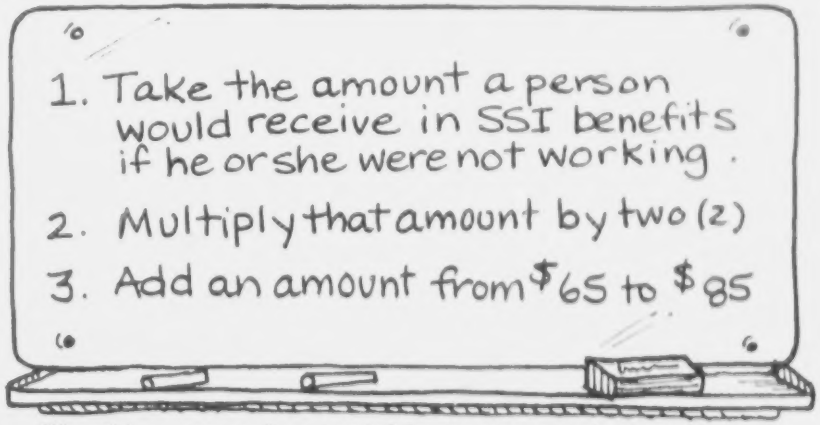
How will my son or daughter's holding a job affect his or her SSI or SSDI payments?

A person's monthly Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefit payments are reduced by 50 cents for each dollar he or she earns. This occurs, of course, whenever a person is earning income, whether it's through a supported employment position or another type of job.

A person receiving SSI benefits can earn quite a bit of money, however, before his or her monthly benefit check drops to zero. This is because two work incentives, known as 1619 (a) and 1619 (b), were recently added to the federal law governing SSI.

The first incentive, 1619 (a) allows a person to earn more than $300 a month before his or her SSI benefits drop to zero.

Here's how to figure out the approximate amount of how much someone can earn before SSI benefits would stop altogether:


1. Take the amount a person would receive in SSI benefits if he or she were not working.
2. Multiply that amount by two (2)
3. Add an amount from $65 to $85

Should a person's countable wages reach the approximate amount you just calculated and his or her SSI payment drop to zero, the second work incentive, 1619 (b), allows a person to still be eligible for Medical Assistance benefits.

Unlike persons on SSI, once a person on SSDI earns more than $300 a month in countable wages, his or her SSDI payments are reduced to zero. Work incentives similar to 1619 (a) and 1619 (b) are currently being considered for inclusion in the federal law governing SSDI.

Supported Employment:

My daughter or son is going to be involved in a supported employment program very soon. How can we as parents deal with questions we might have?

- Meet with your case manager, social worker, or vocational rehabilitation counselor along with a program director from the agency that provides support services. Discuss your questions with them before your son or daughter starts in a supported employment position.

- Any specific actions or procedures that are agreed upon in response to your questions should be put into writing. Also, put into writing the type of data to be collected and the frequency with which you'll receive reports on the data.

- Visit the site where your son or daughter will be working. Talk with other parents who have sons or daughters in supported employment positions.

- Once your son or daughter starts work, stay in close touch with the job coach or program director from the agency that provides supported employment services.

Supported Employment:

My son or daughter isn't ready for a supported employment job right away. Is there anything we as parents can be doing now to help him or her prepare?

Yes, even young children can begin to learn skills and develop attitudes that will help them years later in supported employment jobs.

For instance, parents can pick out tasks they feel their youngsters can complete and then work with them on doing the tasks at an appointed time and to a certain level of satisfaction.

Also, to help children develop the sense of responsibility they'll need as adult employees, parents should let their children experience the rewards of completing a task for which they're being held accountable. For instance, a child might be given responsibility for preparing his or her own simple bedtime snack. The reward for completing this is clearly built into the task itself.

The other side of a child's developing a sense of responsibility and accountability is that parents will need to develop their own ability to take "reasoned risks" – that is, to let their children experience the natural consequences of not completing an agreed upon task. To return to the previous example, parents may have to stick to a resolve to let their youngster go to bed moderately hungry should the child not fix the bedtime snack himself or herself.

Look at your child with eyes that see, not only the limitations of his or her disability, but what she or he can do. Develop and reinforce the child's sense of capability.

As the youngster grows and matures, seek out "generic" community groups or services from which all children and young people can benefit and learn. Look for volunteer work opportunities. Help him or her become accustomed to taking part in the world outside your home and to being around people – other than family members or classmates – who are nonhandicapped.

Start to look at the jobs that exist in your community and observe how their requirements match with your youngster's abilities, likes and dislikes, and the skills she or he can be taught on the job.

Talk with the parents of sons and daughters older than your own, with members of disability organizations, and with parent centers to learn about the service providers who serve adults with disabilities.

Request that representatives from agencies in your area that are involved in or knowledgeable about supported employment take part in transition planning for your son or daughter. This could include their participation in school meetings when your son's or daughter's IEP (individualized education program) is being developed. In the IEP, include the skills that people need to know to live as independently as possible after high school.

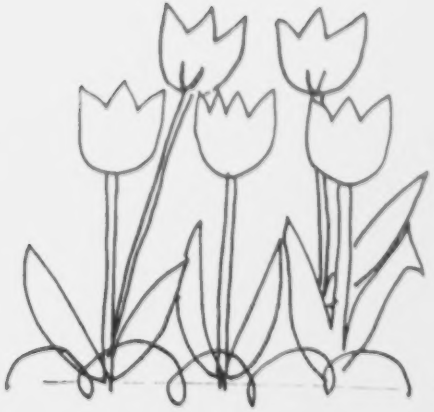
Talk with your child's lead teacher or the school's vocational educator or work experience coordinator about including community-based work experience as part of his or her education.

All of these steps can be taken long before a young adult enters an actual supported employment program.

Supported Employment: Part of a Larger Picture

Participating in new activities and gaining new experiences adds richness and quality to people's lives.

More opportunities are now available for individuals with severe disabilities. Choices in places to live, work, socialize and spend leisure hours are finally becoming a reality.



Persons with disabilities have a basic right to participate in the mainstream of life. They are not the only ones who can gain from these experiences – society will benefit from their participation.

APPENDIX

DIRECTORIES:

STATE SUPPORTED EMPLOYMENT PROJECTS A-1

STATE VOCATIONAL REHABILITATION AGENCIES A-3

DEVELOPMENTAL DISABILITY COUNCILS A-7

CLIENT ASSISTANCE PROGRAM AGENCIES A-11

PROTECTION AND ADVOCACY AGENCIES MENTAL ILLNESS A-15

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REGULATIONS:

FEDERAL REGULATIONS FOR SUPPORTED EMPLOYMENT SERVICES A-26

STATE SUPPORTED EMPLOYMENT PROJECTS

Alaska
Millie Ryan
Alaska Division of Vocational Rehabilitation
P.O. Box F
Mail Stop 0581
Juneau, AK 99811-0500
(907) 465-2814

Arizona
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Arizona Supported Employment Project
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PACER Center, the parent training and information center in Minnesota, is the national office for the SEPT/TA (Supported Employment Parent Training Technical Assistance) Project.

The SEPT/TA project provides assistance to groups who are training parents about supported employment. PACER has itself provided parent training about supported employment in workshops given throughout the state of Minnesota during the last two years.

The SEPT/TA Project
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CHILDREN'S DEFENSE FUND
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CLOSER LOOK-PARENTS' CAMPAIGN FOR HANDICAPPED CHILDREN AND YOUTH
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FEDERAL REGULATIONS

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

34 CFR Part 363

The State Supported Employment Services Program

AGENCY: Department of Education
ACTION: Final regulations.

SUMMARY: The Secretary adds a new part to provide for the new formula grant program for State supported employment services. The regulations in this new part would implement amendments to the Rehabilitation Act of 1973 made by Pub. L. 99-506, the Rehabilitation Act Amendments of 1986.

EFFECTIVE DATE: These regulations take effect either 45 days after publication in the Federal Register or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Delores Watkins, Rehabilitation Services Administration, Department of Education, Switzer Building, Room 3322, Washington, DC 20202, (202) 732-1349.

SUPPLEMENTARY INFORMATION:

Supported Employment Formula Grant Program.

The Rehabilitation Act Amendments of 1986 authorize a new formula grant State Supported Employment Services Program. This program provides grants to assist States in developing and implementing collaborative programs with appropriate public agencies and private nonprofit organizations for training and traditionally time-limited post-employment services leading to supported employment for individuals with severe handicaps. The Supported Employment Services program is intended to provide services to individuals who, because of the severity of their handicaps, would not traditionally be eligible for vocational rehabilitation services. Individuals who are eligible for services under the program must not be able to function independently in employment without intensive on-going support services and must require these on-going support services for the duration of their employment.

The statute defines "supported employment" to mean competitive work in an integrated work setting for individuals who, because of their handicaps, need on-going support services to perform that work. Supported employment is limited to individuals with severe handicaps for whom competitive employment has not traditionally occurred, or individuals for whom competitive employment has been interrupted or intermittent as the result of a severe disability. It includes transitional employment for individuals with chronic mental illness. Although the term "supported employment" is defined in the statute, the Secretary considers it essential to define and clarify certain undefined terms used within the statutory definition, as well as the concept of traditionally time-limited post-employment services, in order to ensure a consistent programmatic interpretation. The regulations in §363.7, therefore, define the following terms: (1) Competitive work; (2) integrated work setting; (3) on-going support services; (4) transitional employment for individuals with chronic mental illness; and (5) traditionally time-limited post-employment services. The regulations also establish requirements for planning grants and for collaborative agreements to provide extended services.

On May 27, 1987, the Secretary published a notice of proposed rulemaking (NPRM) for this program in the Federal Register (52 FR 19816). A summary of the major provisions was included in the NPRM. The explanatory statements in the preamble to the NPRM are fully applicable to these final regulations, with one significant exception: States that have planning grants are required, rather than authorized, to seek public participation in developing a State plan for supported employment services. For the sake of brevity, these explanatory statements are not repeated here. Readers are referred to 52 FR 19816, 19817.

Other major differences between the NPRM and these final regulations are:

1. The final regulations clarify the population of individuals with severe handicaps who are eligible for supported employment services by adding language to §363.3(a) that provides that States may serve individuals with severe handicaps who have not traditionally been employed competitively or for whom competitive employment has been interrupted or intermittent.

2. The proposed eligibility standard in §363.3(c) that individuals served under this program be eligible for or be receiving on-going support services from other State, Federal, or private programs has been removed. The Secretary's concern that the funding sources for extended services be identified early in the rehabilitation process is now reflected in language added to §363.11(e)(2) that requires each individualized written rehabilitation program to specify the State, Federal, or private programs that will provide extended services and the State's basis for determining that continuing support is available.

3. The final regulations clarify in §363.4(a) congressional intent that Title VI.C supported employment funds be spent only for individual evaluations that supplementary to those provided under the Title I basic vocational rehabilitation program. This change is reflected also in amendatory language in §363.11(e)(1).

4. The securing of a supported employment job placement for each individual served under this program has been added to the list of authorized program activities in §363.4.

5. The definition of "transitional employment for individuals with chronic mental illness" has been revised to clarify that individuals with chronic mental illness served under this program are not required to receive job skill training at least twice monthly if they do not need these services and may receive other needed services at or away from the job site.

6. A new State plan assurance has been added to §363.11(e)(7) that requires States that are providing services to comply with the provisions of section 101(a)(23) of the Act, which requires public participation in the development of the State plan.

7. Language has been added to the definition of "competitive work" in §363.7 to clarify that the average 20-hours-per-week work requirement is averaged over the course of each individual's normal pay period. For example, individuals who are paid monthly need only work an average of 20 hours per week during the month rather than 20 hours each week of the month.

8. To track the statute more accurately, specific reference to the information collection and reporting requirements of section 13 of the Act has been added to §363.52(a).

9. For purposes of consistency, the final regulations use only the term "extended" services" in referring to services provided by State, Federal, or private programs after the 18-month period of State vocational rehabilitation agency support has elapsed. Clarifying changes have been made to §§363.11(c), 363.11(e)(2), and 363.50(b)(2).

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed rulemaking, 377 parties submitted letters of comments on the proposed regulations. The letters include comments from the Congress, public and private agencies and organizations, universities, and parents of individuals with handicaps. An analysis of the comments and of the changes in the regulations since publication of the notice of proposed rulemaking follows.

Eligibility, Section 363.3

Comments: The Secretary received many letters of comment about §363.3(a) that requested that the regulations more specifically identify the population of individuals with severe handicaps who are eligible for services under this program. The commenters suggested that the eligibility provision be modified to include specific language from the statutory definition of "supported employment" that relates eligibility for services under this program to a history of non-competitive employment or interrupted or intermittent competitive employment. The commenters believed that the inclusion of this statutory language would ensure that the eligibility provision conforms more closely to congressional intent.

Some commenters asked that §363.3(b)(3) be revised to permit individuals to be eligible for supported employment services if they have the potential to work in a supported employment setting.

Other commenters expressed concern about the §363.3(c) provision that requires individuals to be eligible for or receiving on going support services from other State, Federal, or private programs in order to be eligible for services under this program. The commenters suggested that this provision would establish an overly restrictive and unnecessary standard that has no statutory basis. Because the commenters believed that §363.3(c) has the potential to exclude many otherwise qualified individuals from supported employment, they suggested that the provision be eliminated.

Another commenter suggested that the

term "social services" in §363.3(c) be revised because it is confusing. The commenter suggested that the term "social services" has a different meaning in each State. The commenter recommended that the words "public assistance" be substituted for the words "social services."

Discussion: The Secretary agrees that §363.3(a) does not adequately clarify the population of individuals with severe handicaps for whom the program is intended. The Secretary believes that the eligibility provision would be strengthened by including specific language from the statutory definition of "supported employment" that relates to a history of non-competitive employment or interrupted or intermittent competitive employment. The Secretary further believes that each State must be responsible for ascertaining this history by relying on available employment data and other information.

The Secretary does not believe that there is legal support to add specific language to §363.3(b)(3) referencing potential to work in a supported employment setting. The proposed regulatory language, which tracks the statute in section 632, would require that an individual have the ability to work in a supported employment setting.

The Secretary recognizes that §363.3(c) may establish a barrier which could result in the exclusion of some individuals with severe handicaps from participation in this program. However, because State agencies can only use funds to provide time-limited services to individuals under this program, the Secretary believes that it is essential for State vocational rehabilitation agencies to assure that extended on going support services are available for each individual it determines to be eligible. The Secretary further believes that the funding sources for extended on going support services must be identified early in the rehabilitation process. Although this identification need not be done as part of the eligibility determination process, the Secretary considers it necessary to require, at minimum, that each individualized written rehabilitation program specify the State, Federal, or private programs that will provide needed extended services and the State's basis for determining that continuing support is available.

The Secretary agrees that the use of the term "social services" in §363.3(c) is not clear and could potentially result in confusion.

Changes: The Secretary has modified §363.3(a) by adding specific language from the statutory definition of "supported employment" that provides that States may serve individuals with severe handicaps under this program who have traditionally not been employed in competitive employment or for whom competitive employment has been interrupted or intermittent.

This section has been further modified by removing the proposed eligibility standard in §363.3(c) that requires that individuals be eligible for or be receiving on-going support services. The Secretary has added language in the State plan supplement assurances section §363.11(e), however, that requires each individualized written rehabilitation program to specify the State, Federal, or private programs that will provide extended services and the State's basis for determining that continuing support is available.

The removal of §363.3(c) obviates the need to clarify the confusing references to "social services."

Permissible Activities under a Services Grant, Section 363.4

Comments: Some commenters noted that §363.4(a) does not make it clear that the individual evaluation of rehabilitation potential funded under the Title VI State Supported Employment Services program must be supplementary to the individual evaluation of rehabilitation potential funded under the Title I State Vocational Rehabilitation Services Program. The commenters suggested that §§363.4(4) and 363.11(e)(1) should be revised to comply with statutory language in section 635(a)(2) that requires that any evaluation funded under this program be supplementary to the evaluation that must be performed under the Title I program.

Some commenters suggested that the job placement should be specifically identified in §363.4 as an authorized program activity. The commenters noted that supported employment is not based on a continuum moving from training to employment. Rather the training occurs at the work site based on a functional approach to skills development. The commenters suggested that placement should be specifically designated as an authorized service in accordance with the "place-train" supported employment approach.

Discussion: The Secretary agrees with the comments.

Changes: The Secretary has clarified in §363.4(a) statutory intent that Title VI, C supported employment funds be spent only for individual evaluations that are supplementary to those provided under the Title I basic vocational rehabilitation services program. This change is also reflected in amendatory language in §363.4(b).

Required Planning Grant Activities, Section 363.5

Comments: Some commenters noted that the statute permits States, at their option, to request fiscal year 1987 Supported Employment Program funds for planning activities rather than to provide direct services. These commenters suggested that the regulations clarify when and how the States that elect to receive planning grants of up to 18 months in fiscal year 1987 can qualify for the receipt of services grant funds in fiscal year 1988 since these States may still be in the process of planning.

Some commenters noted that section 101(a)(23) of the Rehabilitation Act requires State vocational rehabilitation agencies to conduct public meetings throughout the State to allow the public an opportunity to comment on the State vocational rehabilitation plan and to include a summary of comments and responses as an attachment to the State plan. Since the supported employment State plan is a supplement to the Title I State plan, the commenters further noted that the regulations do not require public participation under §§363.5 and 363.11 but instead only identify public participation as an authorized activity under a planning grant.

Discussion: The Secretary agrees that Section 101(a)(23) of the statute requires that the State agency conduct public meetings to allow the public an opportunity to comment on the State vocational rehabilitation plan, including the supported employment plan supplement. The Secretary further agrees that public participation in the development of a plan should be a required rather than an authorized activity under a planning grant.

The Secretary does not believe the issue of how or whether fiscal year 1987 planning States can qualify for a services allotment in fiscal year 1988 is a regulatory issue. The Department intends that all planning States will receive a services allotment in 1988, even if they are still using some of their 1987 planning funds. Of course, planning funds can only be used for planning activities and services funds only for providing supported employment services. This issue will be clarified as a program information matter in the fiscal year 1988 grant award process.

Changes: The regulations have been revised to add a new §363.5(b)(4) that requires States that have a planning grant to seek public participation in the development of a supported employment plan supplement.

Definitions, Section 363.7

"Competitive Work"

Comments: Many diverse comments were received concerning the proposed definition of "competitive work." Some commenters considered the proposed standard requiring an average of at least 20 hours of work per week to be reasonable and recommended the retention of this standard.

Other commenters stated that the average 20-hours-per-week work requirement is overly restrictive and not statutorily based. These commenters suggested that the standard be eliminated and that no specific minimum number of hours be required. The precise hours worked would be based in each case on the needs and abilities of the individual.

Some commenters suggested that "competitive work" be defined in a manner that does not require that individuals with chronic mental illness work any minimum number of hours per week.

Other commenters suggested that if a minimum work requirement is retained, the standard should be reduced. Specific standards recommended included 10 and 15 hours per week.

Some commenters recommended that if a numerical standard is retained, whether it be 20 hours or some lower figure, that a waiver be permitted to enable States to be responsive to individual circumstances.

Other commenters requested clarification concerning the time period on which the average 20-hours-per-week requirement is based.

Discussion: The Secretary continues to believe that the 20-hours-per-week standard is reasonable and consistent with congressional intent. In its bill report, the House Committee on Education and Labor encouraged the use of an average of 20-hours-per-week work standard.

The Secretary agrees that there is a need to clarify the time period on which the 20-hours-per-week average is based.

Changes. The Secretary has added language to the definition of "competitive work" to clarify that the average 20-hours-per-week work requirement is averaged over the course of each individual's normal pay period.

"Integrated Work Setting"

Comments: The proposed regulations specifically invited comments on the proposed restriction of an all-handicapped work group to no more than eight individuals. Many diverse comments were received on this issue.

Some commenters supported this particular numerical limitation. Other commenters suggested that a small work group of eight was too large to achieve meaningful integration in a work setting and proposed that the size be "not more than three" or "not more than six."

Some commenters believed the proposed standard would restrict the ability of States to be creative in the development of supported employment opportunities for individuals with severe handicaps in business and industry.

Other commenters recommended that the third type of "integrated work setting" that allows an individual to work alone or as a part of a small work group of not more than eight individuals, all of whom are handicapped, be eliminated. The commenters suggested that under these circumstances there is no meaningful integration of individuals with handicaps with non-handicapped individuals.

One commenter suggested that an integrated work setting be defined in terms of a percentage limitation of an employer's total work force rather than by a particular numerical limitation. This commenter suggested that a percentage approach would have the potential to provide greater program flexibility and increase integration opportunities.

Some commenters recommended that the regulations permit a waiver at the State level to allow for work groups of more than eight individuals with handicaps and for the lack of contact with non-handicapped individuals.

Some commenters stated that the proposed definition of "integrated work setting" precludes the use of the mobile work crew approach in supported employment services delivery because this approach does not conform to the requirement for "regular contact with non-handicapped individuals, other than personnel providing support services, in the immediate work setting."

Other commenters suggested that the term "regular contact" be defined and that it include social interaction and integration activities that take place away from the immediate work setting, such as recreational and leisure activities.

Discussion: The Secretary believes strongly that a limit must be placed on the grouping of individuals with handicaps in a work setting in order to assure that the "integrated work setting" requirement in the statute is meaningful. While it is recognized that an ideal situation would be one in which all immediate co-workers are non-handicapped, the Secretary considers some flexibility to be necessary as supported employment models are developed. The Secretary, therefore, agrees with the comments that flexibility is important to allow States creativity in the development of supported employment opportunities. The standard of "not more than eight" is reasonable to achieve this objective.

Although the Secretary believes some flexibility in the number of individuals with handicaps placed together at a work site is necessary, the Secretary recognizes that some models, such as work crews in janitorial night work, have a potential for eliminating meaningful integration. The Secretary believes that the proposed requirement for regular contact in the immediate work setting with non-handicapped individuals imposes a reasonable standard to assure some degree of meaningful integration. Work crews that do not have this regular contact would not meet this definition. It is imperative that job site developers assure the availability of regular contact. The Secretary believes there are work crew models available that demonstrate this regular contact.

The Secretary further believes that regular contact in outside social settings does not provide appropriate reinforcement of the on-the-job skills necessary for an individual with severe handicaps to succeed in supported employment. This reinforcement of job skill training is essential to the success of any supported employment placement.

Changes: None.

"Traditionally Time-Limited Post-Employment Services"

Comments: Many comments were received about the proposed definition of "traditionally time-limited post-employment services."

Some commenters recommended that the regulations permit a waiver of the 18-month limitation on State vocational rehabilitation agency responsibility to provide post-employment services to allow for special circumstances reflected in a client's individualized written rehabilitation program.

Other commenters suggested that there should not be any time limitation on post-employment services delivery by the State vocational rehabilitation agency and recommended that the 18-month limitation be eliminated.

Some commenters suggested that there is a need for clarification of post-employment services under this program in terms of their similarity or dissimilarity to post-employment services provided under Title I.

Other commenters asked when the 18-month period begins.

Some commenters asked whether the 18-month limitation precluded an individual from receiving services under this program when that period had elapsed.

Discussion: The Secretary believes that the intent of Congress in limiting State vocational rehabilitation agency responsibility to training and traditionally time-limited post-employment services was to preclude the indefinite continuation of Federally-funded vocational rehabilitation support under this program. The Secretary supports this intent and believes it is necessary to establish in the regulations a specific time limitation for that support. Data from current supported employment demonstration projects indicate that most individuals have made the transition from state agency support to extended services funded from other sources within six to twelve months—well within the 18-month time limit. The Secretary believes, therefore, that this limitation is a reasonable one.

The Secretary has defined in §363.7 "traditionally time-limited post-employment services" under this program. It includes any services needed to maintain an individual in supported employment. The intent is to encompass all post-employment services that normally are available under the Title I program. Section 363.4(c) gives examples of certain authorized time-limited post-employment services. This is not an exclusive list of all authorized services. The Secretary considers the 18-month period to begin at the time of placement when on-the-job training is first provided. By the end of the 18-month period an individual must transition to extended services financed by funds other than Title VI,C monies.

Changes. None.

"On-going Support Services"

Comments: A significant number of comments was received on the proposed definition of "on-going support services." Some commenters indicated that the proposed establishment of a requirement that job skill training services be provided at least twice monthly does not have a statutory basis. These commenters suggested that the frequency and type of "on-going support services" should be related only to the specific needs and abilities of each individual with severe handicaps.

Other commenters suggested that the proposed requirement for the provision of job-skill training be eliminated because many individuals may not specifically need job skill training and would, therefore, be ineligible for the receipt of services under this program.

Some commenters agreed with the twice-monthly standard for the provision of job skill training services and recommended its retention.

Other commenters suggested that the definition of "on-going support services" should be expanded to list specifically other types of services that may be provided.

Some commenters requested that the definition of "on-going support services" be revised to permit "on-going support services" for individuals with chronic mental illness to be provided either at or away from the work site, whichever is appropriate for the individual. These commenters suggested that the proposed definition would result in many individuals with chronic mental illness being ineligible because the services they might need could consist only of off-site services.

Other commenters also requested that the definition of "on-going support services" be revised to recognize that individuals with severe physical handicaps may also not need job skill training provided at least twice monthly at the work site.

Discussion: The intent of supported

employment is to provide assistance to individuals with severe handicaps who are not able to function in competitive employment without on-going reinforcement of job skills. The need for job skills reinforcement under this program distinguishes supported employment from other rehabilitation programs where job accommodations or independent living services such as readers, transportation or housing may be the only needed post-employment services. The regulations, therefore, authorize support services that are not related specifically to job skill training as long as job skill training service, including both cognitive and physical skills training, are needed and provided at least twice monthly. The regulation does not restrict in any way where off-site services can be provided, including any appropriate rehabilitation facility. The proposed regulation provides only examples of permissible off-site services.

The Secretary believes that individuals with severe handicaps, with the exception of the chronically mentally ill, would be inappropriate candidates for supported employment if they did not need job skill training at least twice monthly.

The definition of "transitional employment for individuals with chronic mental illness" specifically considers the fact that some individuals with chronic mental illness may not need job skill training. The proposed definition does not require the provision of job skill training at least twice monthly at the job site for individuals with chronic mental illness as distinguished from individuals served under this program who have other types of disabilities. The statutory definition of "supported employment" draws this distinction between the chronically mentally ill and individuals with other kinds of severe disabilities who are appropriate candidates for supported employment.

Changes: None.

State Plan Assurances, Section 363.11

Comments: Some commenters noted that the statute requires State vocational rehabilitation agencies to conduct public meetings throughout the State to allow the public an opportunity to comment on the Title I State vocational rehabilitation plan. Commenters noted that the supported employment State plan is a supplement to the Title I State plan and that, therefore, the regulations should require public participation in the development of the supported employment plan supplement.

Discussion: The Secretary agrees that the public participation requirements of section 101(a)(23) of the Act apply also to the supported employment supplement to the Title I plan.

Changes: The Secretary has modified §363.11 to add a new §363.11(e)(7) State plan assurance that requires the State vocational rehabilitation agency to comply with the provisions of section 101(a)(23) of the Act in developing its supported employment plan.

Collection and Reporting Requirements, Section 363.52

Comments: Some commenters indicated that §363.52(a) does not comply with section 636 of the Act because it does not specifically cite the information collection and reporting requirements contained in section 13 of the Act.

Discussion: The Secretary agrees that §363.52(a) should track more closely the statute by referencing the requirements of section 13.

Changes: The secretary has revised the language in §363.52(a) to remove the reference to 34 CFR 361.23 (general reporting requirements) and substitute a more specific reference to the collection and reporting requirements of section 13.

Note: Because this is a new kind of rehabilitation program with which neither the Department nor States have much experience, the Department will consider in the next two years whether to solicit additional public comment on the need for further regulatory revision.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

List of Subjects in 34 CFR Part 363

Education, Grant Programs—education, Grant Programs—social programs, Reporting and recordkeeping requirements, Supported employment, Vocational rehabilitation.

(Catalog of Federal Domestic Assistance Number 84.187 State Supported Employment Services Program)

Dated: July 23, 1987.

William J. Bennett,

Secretary of Education.

The Secretary amends Chapter III of Title 34 of the Code of Federal Regulations by adding a new Part 363 to read as follows:

PART 363—THE STATE SUPPORTED EMPLOYMENT SERVICES PROGRAM

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Sec.

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Authority: 29 U.S.C. 795j-q unless otherwise noted.

Subpart A—General

§363.1 What is the State Supported Employment Services Program?

(a) Under the State Supported Employment Services Program, the Secretary provides grants to assist States in developing and implementing programs of supported employment for individuals with severe handicaps.

(b) Grants under this program are intended to provide training and traditionally time-limited post-employment services to individuals with severe handicaps.

(Authority: 29 U.S.C. 795j)

§363.2 Who is eligible for an award?

Any State is eligible for an award under this program.

(Authority: 29 U.S.C. 795m(a))

§363.3 Who is eligible for services?

A State may provide services under this program to any individual who—

(a) Has severe handicaps, and for whom competitive employment has not traditionally occurred or has been interrupted or intermittent as a result of those handicaps; and

(b) Has been determined by an evaluation of rehabilitation potential, as defined in section 7(5) of the Act, to have—

(1) The ability or potential to engage in a training program leading to supported employment;

(2) A need for on-going support services in order to perform competitive work; and

(3) The ability to work in a supported employment setting.

(Authority: 29 U.S.C. 795k)

§363.4 What are the authorized activities under a State Supported Employment Service grant?

Under this program, the following activities are authorized:

(a) Evaluation of the rehabilitation potential for supported employment of individuals with severe handicaps. Any evaluation must be supplementary to an evaluation of rehabilitation potential done under 34 CFR Part 361.

(b) Development of and placement in jobs for individuals with severe handicaps.

(c) Provisions of traditionally time-limited post-employment services that are needed to support the trainees in employment, such as—

(1) Intensive on-the-job training and other training provided by skilled job trainers for workers with severe handicaps;

(2) Provision of follow-up services, including regular contact with employers, trainees with severe handicaps, parents, guardians or other representatives of trainees, and other suitable professional and informed advisors in order to

reinforce and stabilize the job placement; and

(3) Regular observations or supervision of individuals with severe handicaps at the work site.

(Authority: 29 U.S.C. 795n)

§363.5 What kinds of activities may the Secretary support under a planning grant?

(a) For fiscal year 1987 only a State may request a planning grant in place of its allotment under this program.

(b) The State shall conduct activities under a planning grant that include the following, unless those activities have already been completed:

(1) Developing the Statewide needs assessment for supported employment services, as specified in §363.11.

(2) Developing and evaluating collaborative agreements with State agencies and private nonprofit organizations.

(3) Developing goals, priorities, policies, and procedures for the provision of supported employment services to individuals with severe handicaps.

(4) Seeking participation in the development of a State plan supplement for supported employment services by individuals with severe handicaps, their parents or guardians, and providers of supported employment services.

(c) The State may also conduct the following activities under a planning grant:

(1) Developing sites to test and evaluate the provision of supported employment services.

(2) Other activities necessary to prepare for the implementation of a system of supported employment services.

(d) The requirements of §§363.11, 363.20, 363.21, and 363.50-363.53 do not apply to planning grants.

(e) The Secretary awards a planing grant of no more than $250,000 for up to 18 months.

(Authority: 29 U.S.C. 795m(c))

§363.6 What regulations apply?

The following regulations apply to the State Supported Employment Services Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 74 (Administration of Grants), Part 76 (State Administered Programs), Part 77 (Definitions that Apply to Department Regulations), Part 78 (Education Appeals Board) except for hearings under Subpart G of Part 361, and Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(b) The regulations in this Part 363.

(c) The following regulations in 34 CFR Part 361 (The State Vocational Rehabilitation Services Program): §361.32; §361.33; §361.34; §361.40; §361.41; §361.48; and §361.49.

(Authority: 29 U.S.C. 795g and 711(c))

§363.7 What definitions apply to the State Supported Employment Services Program?

(a) As used in this part—

(1) "Supported employment" means—

(i) Competitive work in an integrated work setting with on-going support services for individuals with severe handicaps for whom competitive employment—

(A) Has not traditionally occurred; or

(B) Has been interrupted or intermittent as a result of severe handicaps; or

(ii) Transitional employment for individuals with chronic mental illness; and

(2) As used in the definition of "supported employment"—

(i) "Competitive work" means work that is performed on a full-time basis or on a part-time basis, averaging at least 20 hours per week for each pay period, and for which an individual is compensated in accordance with the Fair Labor Standards Act;

(ii) "Integrated work setting" means job sites where—

(A)(1) Most co-workers are not handicapped; and

(2) Individuals with handicaps are not part of a work group of other individuals with handicaps; or

(B)(1) Most co-workers are not handicapped; and

(2) If a job site described in paragraph (A)(2) of this definition is not possible, individuals with handicaps are part of a small work group of not more than eight individuals with handicaps; or

(C) If there are no co-workers or the only co-workers are members of a small work group of not more than eight individuals, all of whom have handicaps, individuals with handicaps have regular contact with non-handicapped individuals, other than personnel providing support services, in the immediate work setting.

(iii) "On-going support services" means continuous or periodic job skill training services provided at least twice monthly at the work site throughout the term of employment to enable the individual to perform the work. The term also includes other support services provided at or away from the work site, such as transportation, personal care services, and counseling to family members, if skill training services are also needed by, and provided to, that individual at the work site;

(iv) "Transitional employment for individuals with chronic mental illness" means competitive work in an integrated work setting for individuals with chronic mental illness who may need support services (but not necessarily job skill training services) provided either at the work site or away from the work site to perform the work. The job placement may not necessarily be a permanent employment outcome for the individual; and

(v) "Traditionally time-limited post-employment services" means services that are—

(A) Needed to support and maintain an individual with severe handicaps in employment;

(B) Based on an assessment by the State of the individual's needs as specified in an individualized written rehabilitation program; and

(C) Provided for a period not to exceed 18 months before transition is made to extended services provided under a cooperative agreement pursuant to §363.50.

(b) The following terms used in this part are defined in 34 CFR 77.1:

Fiscal Year; Nonprofit; Private; Secretary; and State.

(c) The following terms used in this part are defined in 34 CFR Part 361:

Act; Designated state unit; Individual with handicaps; Individual with severe handicaps; and State plan.

(Authority: 29 U.S.C. 706(18), 711(c), and 795g)

Subpart B—How Does a State Apply for a Grant?

§363.10 What documents must a State submit to receive a grant?

To receive a grant under this part, a State must—

(a) Submit to the Secretary, as part of the State plan under 34 CFR Part 361, a State plan supplement that meets the requirements of §363.11; or

(b) For fiscal year 1987 only, submit an application for a planning grant in place of its allotment under this program.

(Authority: 29 U.S.C. 795f(c) and 795m(a))
(Approved by the Office of Management and Budget under control number 1820-0551)

§363.11 What information and assurances must be included in the State plan supplement?

Each State plan supplement must—

(a) *Designated State agency.* Designate the State unit or units for vocational rehabilitation services identified in the State plan submitted under 34 CFR Part 361 as the State agency or agencies to administer this program;

(b) *Results of needs assessment.* Summarize the results of the needs assessment of individuals with severe handicaps conducted under Title I of the Act when that assessment identifies the need for supported employment services. The results of the needs assessment must address the coordination and use of information within the State relating to section 618(b)(3) of the Education of the Handicapped Act;

(c) *Quality, scope, and extent of services.* Describe the quality, scope, and extent of supported employment services to be provided to individuals with severe handicaps under this program. The description must address the timing of the transition to extended services referred to in §363.50(b)(2);

(d) *Distribution of funds.* Describe the State's goals and plans with respect to the distribution of funds received under §363.20;

(e) *Assurances.* Provide assurances that—

(1) An evaluation of rehabilitation potential, as defined in section 7(5) of the Act, is provided under 34 CFR Part 361, and if necessary a supplementary evaluation under this part, for each individual with severe handicaps who receives services under this program;

(2) An individualized written rehabilitation program as specified in 34 CFR 361.40 and 361.41 will be developed—either under this part or under 34 CFR Part 361—outlining the services to be provided to each individual served under this program, including a description of the extended services needed, the identification of the State, Federal, or private programs that will

provide the continuing support, and a description of the basis for determining that continuing support is available;

(3) Services provided to individuals under this program will be coordinated with the individualized written rehabilitation program or education plan as required under section 102 of the Act, section 123 of the Developmental Disabilities Act of 1984, and sections 612(4) and 614(5) of the Education of the Handicapped Act;

(4) The State will conduct periodic reviews of the progress of individuals assisted under this program to determine whether services provided to those individuals should be continued, modified, or discontinued;

(5) The designated State agency or agencies will expend no more than five percent of the State's allotment for administative costs of carrying out this program;

(6) The State will make maximum use of services from public agencies, private nonprofit organizations, and other appropriate resources in the community to carry out this program;

(7) The public participation requirements of section 101(a)(23) of the Act are met;

(f) *Collaboration.* Demonstrate evidence of collaboration by and funding from relevant State agencies and private nonprofit organizations to asist in the provision of on-going supported employment services following the termination of time-limited services under this part; and

(g) *Other information.* Contain such other information and be submitted in the form and in accordance with the procedures that the Secretary may require.

(Authority: 29 U.S.C. 795m)

(Approved by the Office of Management and Budget under control number 1820-0551)

Subpart C—How Does the Secretary Make a Grant?

§363.20 How does the Secretary allocate funds?

The Secretary allocates funds under this program in accordance with section 633(a) of the Act.

(Authority: 29 U.S.C. 795l(c))

§363.21 How does the Secretary reallocate funds?

The Secretary reallocates funds in accordance with section 633(b) of the Act.

(Authority: 29 U.S.C. 795l(b))

Subpart D-E (Reserved)

Subpart F—What Post-Award Conditions Must be Met by a State?

§363.50 What collaborative agreements must the state develop?

(a) A designated State unit must enter into one or more written cooperative agreements or memoranda of understanding with other appropriate State agencies and private nonprofit organizations to ensure collaboration in a plan to provide supported employment services to individuals with severe handicaps.

(b) A cooperative agreement or memorandum of understanding must, at a minimum, specify the following:

(1) The training and traditionally time-limited post-employment services to be provided by the designated State unit with funds received under this part.

(2) The extended services to be provided by the other State agencies and private nonprofit organizations, following the termination of time-limited services under this part.

(3) The estimated funds to be expended by the participating party or parties in implementing the agreement or memorandum.

(4) The projected number of individuals with severe handicaps who will receive supported employment services under the agreement or memorandum.

(Authority: 29 U.S.C. 795m(b)(4) and 795n(b))

§363.51 What are the allowable administrative costs?

(a) *Administrative costs-general.* Expenditures are allowable for the following administrative costs:

(1) Administration of the State plan supplement for this program.

(2) Planning, program development, and personnel development to implement a system of supported employment services.

(3) Monitoring, supervision, and evaluation of this program.

(4) Technical assistance to other State agencies, private nonprofit organizations, and businesses and industries.

(b) *Limitation on administrative costs.* Except for planning grants which the Secretary may award in fiscal year 1987, not more than five percent of a State's allotment may be expended for administrative costs for carrying out this program.

(Authority: 29 U.S.C. 795l(c) and 795m(b)(5))

§363.52 What are the information collection and reporting requirements?

(a) A State shall collect and report information as required under section 13 of the Act for each individual with severe handicaps served under this program.

(b) The State shall collect and report separately information for—

(1) Supported employment clients served under this program; and

(2) Supported employment clients served under 34 CFR Part 361.

(Authority: 29 U.S.C. 712 and 795o)

(Approved by the Office of Management and Budget under control number 1820-0551)

§363.53 What special conditions apply to services and activities under this program?

Each grantee shall coordinate the services provided to an individual under this part and under 34 CFR Part 361 to ensure that the services are complementary and not duplicative.

(Authority: 29 U.S.C. 795n and q)

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PACER Center, a Minnesota parent coalition of 17 disability organizations, provides information and training to parents of children and young people with all disabilities.

By becoming informed about special education laws and procedures and the programs and systems that serve adults with disabilities, parents can become more effective advocates and representatives for their sons and daughters, PACER believes. Information and training are provided by PACER's staff, many of whom have disabilities themselves or are parents of children and young people with disabilities, through workshops, individual assistance, and written materials.

PACER is also one of four regional centers for the Technical Assistance to Parent Programs (TAPP) project, offering services to other parent training organizations in 14 midwestern states to help them strengthen and improve their parent training programs.

Finally, PACER is part of two new national efforts designed to increase the involvement of families in service delivery:

PACER is the national office for the Supported Employment Parent Training Technical Assistance (SEPT/TA) Project through which assistance is provided to groups who train parents about supported employment programs. Also, as part of NECTAS (the National Early Childhood Technical Assistance System), PACER has an early childhood specialist who works with state agencies to improve the quality of services to families of young children, infants, and toddlers with disabilities.

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